



# Town Council Agenda Report

**SUBJECT:** Variance

**CONTACT PERSON/NUMBER**

Name: Mark A. Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

V 10-2-00      Applicant: Sam Jazayri, petitioner/owner

**LOCATION DESCRIPTION:** 450 SW 130 Avenue / Generally located on the south side of State Road 84, on the east side of SW 130 Avenue.

**REPORT IN BRIEF:** Request to reduce the required parcel size for an automobile or truck sales facility from a minimum parcel size of 5 acres to 3.1 acres, as required per Land Development Code Section 12-34(CC)(1)(a). The applicant states that the proposed truck dealership will not be servicing vehicles and hence, does not require the full five (5) acre parcel size.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

- The Planning and Zoning Board voted to deny the request at its December 13, 2000 meeting (motion carried 4-1, Mr. Davenport dissenting).

**FISCAL IMPACT:** None.

**RECOMMENDATION(S):** Motion to deny.

**ATTACHMENTS:** Applicant's Justification Letter, Conceptual Site Plan, Subject Site Map, Land Use Map, Aerial

**Application #: V 10-2-00**

**Revisions:**

**Exhibit "A": Site Plan**

**Original Report Date: 12/13/00**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner/Agent**

**Name:** Sam Jazayri  
**Address:** 3121 W. Hallandale Beach Blvd.  
**City:** Pembroke Park, FL 33009  
**Phone:** 954-981-1154

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**BACKGROUND INFORMATION**

**Date of Notification:** December 6, 2000

**Number of Notifications:** Four (4)

**Application Request:** **From:** Section 12-34(CC)(1)(a), which requires a minimum parcel size for the development of an automobile and/or truck sales facility to be five (5) acres, **to:** a minimum parcel size of 3.1 acres.

**Address/Location:** 450 SW 130 Avenue / Generally located on the south side of State Road 84, on the east side of SW 130 Avenue.

**Land Use Designation:** Commercial

**Zoning:** Planned Business Center (B-3)

**Existing Use:** One vacant parcel and one parcel developed with an existing Church (Calvary Chapel).

**Proposed Use:** Truck sales and leasing facility

**Parcel Size:** 3.1 net acres (3.5 gross acres)

**Surrounding Land Use:**

**Land Use Designation**

**North:** State Road 84  
Mobile Home Park

**Transportation**  
**Special Classification**  
Residential 8 (du/ac)

**South:**

**East:** Lake/Mobile Home Park

**Commercial**

**West:** Exxon Gas Station/Mobile Home Park      Commercial and  
Special Classification  
Residential 8 (du/ac)

**Surrounding Zoning:**

**North:** State Road 84  
**South:** Mobile Home 8 du/acre (MH-8)  
**East:** Community Business (B-2)  
**West:** Community Business (B-2) and Mobile Home 10 du/acre (MH-10)

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## **ZONING HISTORY**

**Previous Requests on Same Property:**

The Butler Plaza Plat (northern portion of the subject site) was approved by Resolution 87-126. The plat is limited to a 3, 100 sq.ft. restaurant.

The 75 and 595, Inc Plat (southern portion of the subject site) was approved by Resolution 96-47. The plat is limited to 10,000 square feet of existing office and 20,000 square feet of proposed warehouse/office use. Commercial/Retail uses are not permitted without a plat note amendment which would be approved by the Town of Davie and the Broward County Board of County Commissioners based on a review for any additional roadway impacts.

A rezoning request (ZB 1-1-96) was approved by Town Council through Ordinance 96-8, adopted March 6, 1996. A conceptual master plan was approved with this rezoning request from Community Business (B-2) to Planned Business Center (B-3) indicating development of two new commercial buildings and retaining the existing two-story building. A declaration of restrictive covenants was recorded, with this application, which allowed the use of Truck Rental.

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## **Comprehensive Plan Considerations**

**Planning Area:** This property falls within Planning Area 3. This area is bound on the north side by I-595, I-75 on the west side, SW 14th Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre. Commercial development lines the S.R. 84 corridor.

**Broward County Land Use Plan:** This property falls within Flexibility Zone 103.

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## **Staff Analysis**

The Land Development Code Section 12-34(CC) was approved by Town Council during the major Land Development Code rewrite in 1990. Prior to that time, there was no restriction on parcel size for automobile and/or truck sales or rentals. One impetus for this language was to ensure that automobile dealerships were of spacious design and of sufficient size to adequately landscape and buffer potential impacts from surrounding uses. The size of the

parcels was also intended to ensure that dealerships with a substantial market base, requiring the five acre parcel size, would be the best product within this use category.

Another factor was to ensure that a proliferation of dealerships did not occur in one area. Along the SR 84 corridor (18 miles) there are two existing dealerships, one automobile and one truck rental. Of the two existing dealerships, one parcel meets the minimum 5 acre size, the other parcel has old County zoning with no minimum parcel size. Also, there are several vacant parcels of land along the SR 84 corridor which could accommodate a truck dealership on five (5) acres.

The applicant's justification letter states that there will be no truck repair and maintenance, and hence the five acre size is not required. Notwithstanding this consideration, staff does not find the application has demonstrated special circumstances to warrant a 38 percent reduction in the 5 acre minimum parcel size for vehicle sales.

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### Finding of Fact

The requested variance does not meet the three criteria for granting of variances, as stated in Land Development Code Section 12-309:

(a) There are not special circumstances and conditions applying to the land and building for which the variances are sought which are peculiar to such land and building and do not apply generally to land or buildings in the same district; there are no special circumstances or conditions such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variances are sought; the alleged hardships are self-created by any person having an interest in the property;

(b) The granting of the variance is not necessary for the reasonable use of the land or building; the variance as requested is not the minimum variance that will accomplish this purpose;

(c) That granting of the variance will not be in harmony with the general purpose and intent of this chapter, but is not expected to be injurious to the neighborhood or otherwise detrimental to the public welfare.

*The construction of a truck sales facility would result in an eight (8) foot high wall and landscape buffer (10') being erected along the east and south property lines and a portion of the west property line. The placement of a wall would result in adequate buffering of the site from residential neighbors.*

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### Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts in the negative, staff recommends **denial** of variance application no. V 10-2-00.

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### Planning and Zoning Board

The Planning and Zoning Board voted to **deny** V 10-2-00 at its December 13, 2000 meeting (motion carried 4-1 Mr. Davenport dissenting)

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## **Exhibits**

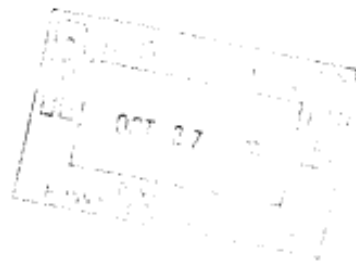
1. Subject Site Map
2. Land Use Map
3. Aerial

Prepared by:\_\_\_\_\_

Reviewed by:\_\_\_\_\_

### **REASON FOR REQUEST**

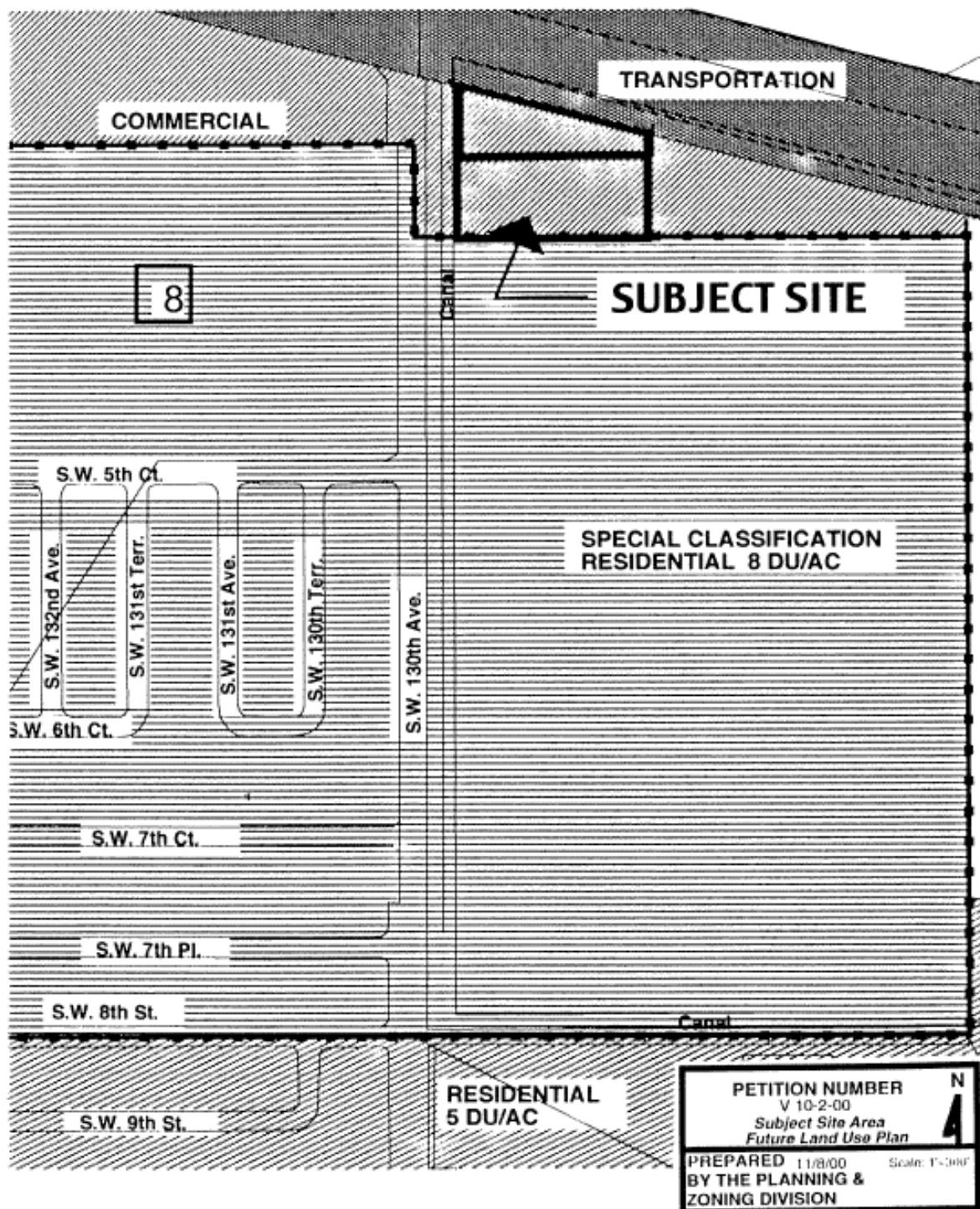
Applicant desires to establish a truck sales and leasing facility operated by Team Vehicular. As part of the application, Applicant is requesting a reduction in the minimum lot size for such a facility from 5 acres to 3.1 acres. Team Vehicular is a highly specialized and upscale truck leasing and sales facility. Because of the reduced size of inventory, the full 5 acres site is unnecessary. Applicant will have more than adequate area for buffering and landscaping. The site includes two separate small plats, which when combined, allows applicant to display its vehicles. Applicant will not have any repair service or service facilities on site, thus eliminating the need for a larger facility.



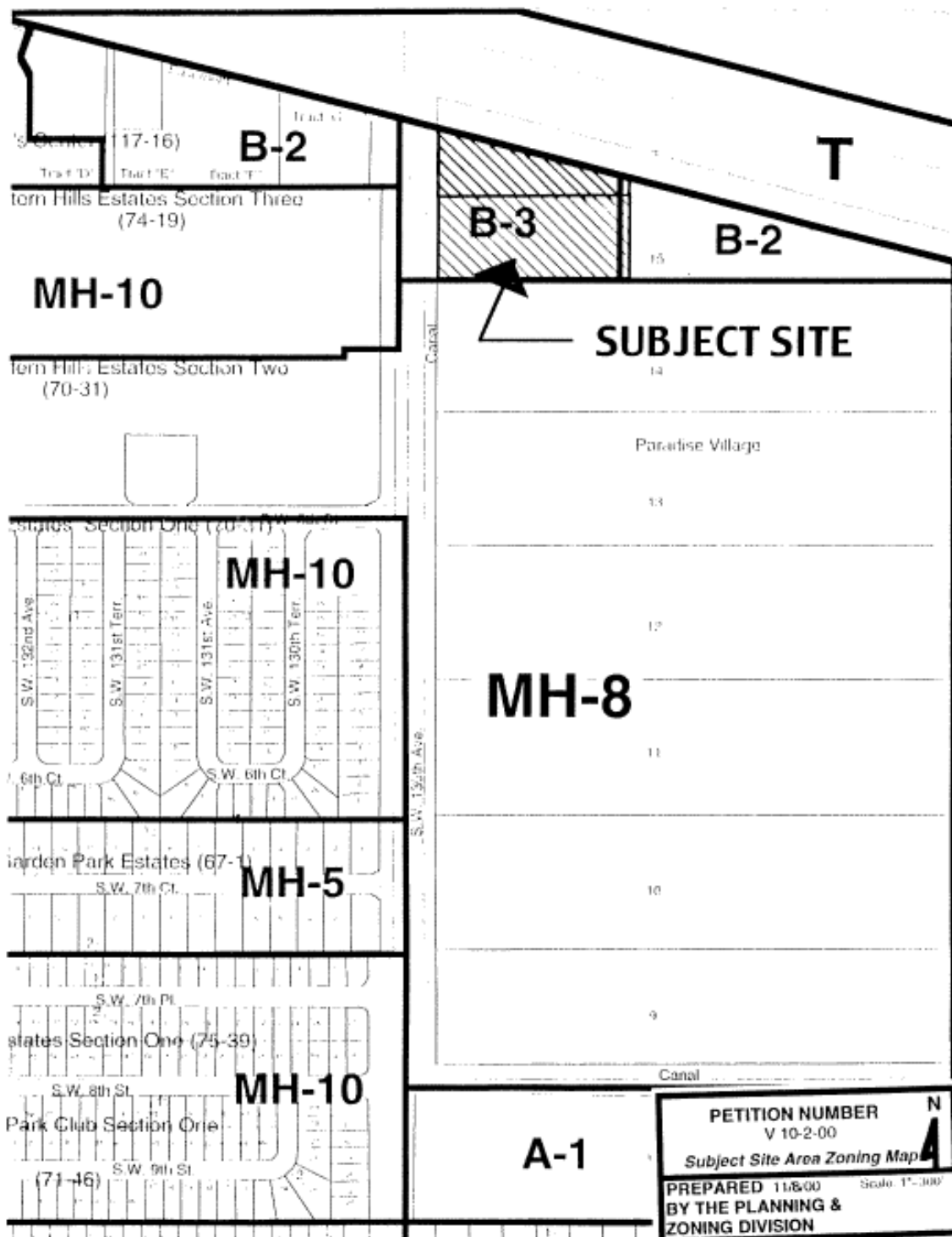
**EXHIBIT A****LOT SIZE VARIANCE [Code Section 12-34 (cc) (1) (a) ]  
Request To Reduce Minimum Lot Size From 5 Acres to 3.1 Acres****STANDARDS FOR APPROVAL**

- 1) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;  
**APPLICANT'S RESPONSE** - Applicant site is constrained by existing development around it and its own odd shape. Applicant is trying to work with the existing building and limited access on site.  
Further Applicant intends to limit the use by eliminating service and repairs as uses thus reducing the size of the site needed for the intended use.
- 2) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;  
**APPLICANT'S RESPONSE** - Applicant's site is bounded on 3 sides by developed property and a fourth side is right of way from I-595. By eliminating service of repair uses, Applicant has reduced the property needed to meet the needs of this office/display only business.
- 3) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.  
**APPLICANT'S RESPONSE** - By converting the property to new and used truck sales and leasing and removing the current user, Calvary Chapel, applicant will bring the property back into harmony with the commercial uses to the east and west of subject site. The current church/religious use is an underutilization of the site which has direct exposure to I-595. Applicant intends to upgrade the site while at the same time agreeing that there will be no service or repair facilities on site. This site will be devoted to office use and vehicle display only.









I-595

SUBJECT SITE

SR 84

SW 130 AVE

MOBILE HOMES

MOBILE HOMES

MOBILE HOMES

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↑  
DATE FLOWN  
JANUARY 1998  
SCALE: nts  
V 10-2-00